UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/50/L.34
29 November 1995

ORIGINAL: ENGLISH

Fiftieth session
Agenda item 39

LAW OF THE SEA

Argentina, Australia, Austria, Brazil, Cameroon, Canada, Chile, China, Congo, Croatia, Cyprus, Denmark, Egypt, Fiji, Finland, Germany, Iceland, Indonesia, Israel, Italy, Jamaica, Kenya, Malaysia, Marshall Islands, Mauritania, Mexico, Namibia, New Zealand, Norway, Portugal, Samoa, Senegal, Singapore, Sweden, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution

The General Assembly,

Emphasizing the universal character of the United Nations Convention on the Law of the Sea, 1/ its fundamental importance for the maintenance and strengthening of international peace and security, as well as for the sustainable use and development of the seas and oceans and their resources,

Considering that, in its resolution 2749 (XXV) of 17 December 1970, it proclaimed that the seabed and ocean floor, and the subsoil thereof, beyond the limits of national jurisdiction (hereinafter referred to as "the Area"), as well as the resources of the Area, are the common heritage of mankind, and considering also that the Convention, together with the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, 2/ provides the regime to be applied to the Area and its resources,

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1/ Official Records of the Third United Nations Conference on the Law of the Sea, vol. XVII (United Nations publication, Sales No. E.84.V.3), document A/CONF.62/122.

2/ Resolution 48/263, annex.

Recalling its resolution 49/28 of 6 December 1994, on the law of the sea, adopted consequent to the entry into force of the Convention on 16 November 1994,

Aware of the importance of the effective implementation of the Convention and its uniform and consistent application, as well as the growing need to promote and facilitate international cooperation on the law of the sea and ocean affairs at the global, regional and subregional levels,

Conscious of the strategic importance of the Convention as a framework for national, regional and global action in the marine sector, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, 3/

Recognizing the impact on States of the entry into force of the Convention and the increasing need, particularly of developing States, for advice and assistance in its implementation in order to benefit thereunder,

Noting the responsibilities of the Secretary-General and competent international organizations under the Convention, in particular pursuant to its entry into force and as required by resolution 49/28,

Reaffirming the importance of the annual consideration and review by the General Assembly of the overall developments pertaining to the implementation of the Convention, as well as of other developments relating to the law of the sea and ocean affairs,

Noting the decisions taken by States parties to the Convention to convene meetings of States parties to deal with the initial budget and organizational and other related matters of the International Tribunal for the Law of the Sea in preparation for its establishment and the election of its members, 4/ as well as to prepare for and organize the election of the members of the Commission on the Limits of the Continental Shelf,

Noting also that the Assembly of the International Seabed Authority has concluded its first session and has scheduled two meetings of the Authority for 1996, from 11 March for up to three weeks, if necessary, and from 5 August for up to two weeks, in Kingston, Jamaica, 5/

Noting further that the Assembly of the Authority requested arrangements for the interim secretariat of the Authority, authorizing the Secretary-General

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3/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26/Rev.1 (Vol. I and Vol. I/Corr.1, Vol. II, Vol. III and Vol. III/Corr.1)) (United Nations publication, Sales No. E.93.I.8 and corrigenda), Vol. I: Resolutions Adopted by the Conference, resolution 1, annex II.

4/ SPLOS/4, para. 38.

5/ ISBA/A/L.7/Rev.1, para. 35.

to administer the interim secretariat until the Secretary-General of the Authority is able to assume effectively the responsibility of the Authority's secretariat, 6/

Recalling that the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 provides that the institutions established by the Convention shall be cost-effective, 7/ and recalling also that the meeting of States parties to the Convention decided that this principle would apply to all aspects of the work of the Tribunal, 8/

Emphasizing the importance of making adequate provisions for the efficient functioning of the institutions established by the Convention,

1. Calls upon all States that have not done so to become parties to the United Nations Convention on the Law of the Sea and to ratify, confirm formally or accede to the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982 in order to achieve the goal of universal participation;

2. Calls upon States to harmonize their national legislation with the provisions of the Convention and to ensure the consistent application of those provisions;

3. Reaffirms the unified character of the Convention;

4. Recalls its decision to fund the budget for the administrative expenses of the Authority initially from the regular budget of the United Nations, in accordance with the provisions of the Agreement; 9/

5. Approves the provision by the Secretary-General of such services as may be required for the two meetings of the International Seabed Authority to be held in 1996, from 11 to 22 March and from 5 to 16 August;

6. Approves also the request of the Assembly of the Authority to continue the staff and facilities previously available to the Kingston Office for the Law of the Sea as the interim secretariat of the Authority, and authorizes the Secretary-General to administer the interim secretariat until the Secretary-General of the Authority is able to assume effectively the responsibility of the Authority's secretariat;

6/ ISBA/A/L.5 and ISBA/A/L.7/Rev.1, para. 33.

7/ Resolution 48/263, annex: annex to the Agreement, sect. 1, para. 2.

8/ SPLOS/4, para. 25 (e).

9/ Resolution 48/263, para. 8; ibid., annex: annex to the Agreement, sect. 1, para. 14.

7. Requests the Secretary-General to convene the meetings of States parties to the Convention from 4 to 8 March, from 6 to 10 May and from 29 July to 2 August 1996;

8. Notes with appreciation the progress made in practical arrangements for the establishment of the International Tribunal for the Law of the Sea, and in preparations for the establishment of the Commission on the Limits of the Continental Shelf;

9. Expresses its appreciation to the Secretary-General for the annual comprehensive report on the law of the sea 10/ and the activities of the Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, in accordance with the provisions of the Convention and the mandate set forth in resolution 49/28;

10. Reaffirms the importance of ensuring the uniform and consistent application of the Convention and a coordinated approach to its effective implementation, and of strengthening technical cooperation and financial assistance for this purpose, stresses once again the continuing importance of the Secretary-General's efforts to these ends, and reiterates its invitation to the competent international organizations and other international bodies to support these objectives;

11. Requests the Secretary-General to ensure that the institutional capacity of the Organization adequately responds to the needs of States and competent international organizations by providing advice and assistance, taking into account the special needs of developing countries;

12. Invites Member States and others in a position to do so to contribute to the further development of the fellowship programme on the law of the sea and training and educational activities on the law of the sea and ocean affairs established by the Assembly in its resolution 35/116 of 10 December 1980, and advisory services in support of effective implementation of the Convention;

13. Requests the Secretary-General to report to the Assembly at its fifty-first session on the implementation of the present resolution, in connection with his annual comprehensive report on the law of the sea;

14. Decides to include in the provisional agenda of its fifty-first session the item entitled "Law of the sea".

10/ A/50/713.